

Notice of Allowability

Application No.

09/911,674

Examiner

CUONG H. NGUYEN

Applicant(s)

DAVIS ET AL.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/05/04.
2. ☒ The allowed claim(s) is/are 91-110; they are renumbered as claims 1-20.
3. ☒ The drawings filed on 7/24/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the communication received on 10/05/2004, which paper has been placed of record in the file.
2. Claims 69-135 are pending in this application. Claims 69-90, and 111-135 have been canceled.

Priority

3. This application is a continuation of a prior patent (US Pat. 6,269,361) filed on 5/28/1999).

Allowable Subject Matter & Reasons for Allowance

4. Independent claim 91 is patentable distinct over closest previous patents of Ryan et al. (US Pat. 6,421,675), Buck et al. (US Pat. 6,078,866), Corporate Resource Net's paper (titled, "Go to sells positions" published on 3/03/1998); and "ValueClick Network Unveils Dynamic Targeting Solution" of PR Newswire, because these references do not anticipate nor fairly and reasonably teach a method for operating a database search system, comprising:
 - permitting an advertiser to change a bid amount associated with a search listing stored in a search database.
5. Independent claim 96 is patentable distinct over closest previous patents of Ryan et al. (US Pat. 6,421,675), Buck et al. (US Pat. 6,078,866), Corporate Resource Net's

paper (titled, "Go to sells positions" published on 3/03/1998); and "ValueClick Network Unveils Dynamic Targeting Solution" of PR Newswire, because these references do not anticipate nor fairly and reasonably teach a method of enabling a network information provider to update information relating to a search listing on a search result list generated by a computer network search engine, comprising:

- permitting a network information provider to change a bid amount associated with a search listing of that provider, and updating that provider's account.

6. Claims 92-95, and 97-110 are allowed because they are dependent on above allowed independent claims.

Conclusion

7. Claims 91-110 are patentable. They are renumbered as 1-30, respectively.

8. These cited references are related to applicants' disclosure, however they are not anticipated nor being obvious to this pending invention:

- Buck et al. (US Pat. 6,078,866 - 6/20/2000), this invention bases on the subscription-based system, that means each subscriber must pay an amount periodically even a number of click-through is used for calculating that amount.

In contrast, the pending invention is cost-per-click base, each subscriber must bid to get a better placement in a listing.

- Corporate Resource Net's "New service puts ad auction, search engine under one roof" (Electronic Advertising & Marketplace Report, 4/28/1998, Vol.12, Issue 8, p.6, 2p) do not teach a modifying step of money amount for a listing.

- Vijayan et al. (US Pat. 6,535,888 - filed on 7/19/2000; class. 707/104.1; 707/100; 707/102, G06F 17/30) for a method and a system for providing a visual search directory; this patent is not proper for a prior art.

- Matsumoto et al., (US Pat. 6,763,334 - filed on 12/09/1999) System and method of arranging delivery of advertisements over a network such as the Internet. This patent is not proper as a prior art.

- Gabbard et al., (US Pat. 6,205,432 - 3/20/2001) Background advertising system; this patent is a general document for different advertisement provider; however, there is no bidding for placement.

- Auxier, et al. (US Pat. 6,379,251) title "System and method for increasing click through rates of internet banner advertisements"; there is no bidding for a position

environment (by modifying a keyword, a money amount, text .etc. according to a listing) in this patent.

- From <http://www.newsbytes.com>, "ValueClick Expands Internet Ad Network To Japan" published on, March 25, 1998, this article does not teach about modifying a charge for an interested listing (although other articles about ValueClick are directed to cost-per-click applications, they do not teach about modification of a money amount to obtain a better placement for a listing.

- From Dialog® File 20, acc. No. 04408702, ValueClick network unveils dynamic targeting solution, PR Newswire, 2/22/1999. This article is about ValueClick.com for "banner" advertisements wherein that field of advertisement is different from a cost-per-click through according to each listing; furthermore, ValueClick.com is about "banner" advertisements, not a normal search engine..

- Northern Light Technology, LLC, "Help & Hints Table of Contents", from URL address:
<http://www.sirocco.northernlight.com/docs/>, copyright 1997-1998.

- Goto.com Inc., Goto Search Results: search engine, from URL <http://www.goto.com/d/search-results/>, printed on 8/19/1998.

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- Kim Komando, With about 320 million sites, search engines offer some help, printed in 1998, Los Angeles Times Syndicate.

- "Disclosure Rules: ...", from The Industry Standard pg.2 <http://www.thestandard.net/>, posted on 8/10/1998.

- An article of "GoTo.com 's account management tool for...", from dtc@goto.com (GoTo DirecTraffic Center), no date.

- Buck et al., (US Pat. 6,078,866), disclose about an Internet site searching and listing service based on monetary ranking of site listings, published on 6/20/2000; priority date is 6/24/1998.

- Hunt et al., (US Pat. 5,724,524), disclose a method and a system for listing, brokering, and exchanging carrier capacity, published on 3/03/1998.

- Kirsch, (US Pat. 5,659,732), discloses about document retrieval over networks wherein ranking and relevance scores are computed at the client for multiple database documents, published on 8/19/1997.

- Mauldin, (US Pat. 5,748,954), discloses about a method for searching a queued and ranked constructed catalog of files stored on a network, published on 5/05/1998.

- Danny Sullivan, "Goto sells positions", from the search engine report, published on 3/03/1998.
- Laura B. Smith, Going ... gone, from PC Week, v13, n34, pE1(2), printed on 8/26/1996.
- Rich, "New search engine allows sites to pay their way to top", from MediaWeek, 02/23/1998, Vol.8, Issue 8, p28.
- Database of Corporate ResourceNet, "New service puts ad auction, search engine under one roof", from Electronic Advertising & Marketplace Report, 04/28/1998, Vol.12 Issue 8, p6.
- Espe, "Online search engines start to charge for listings", from Washington Business Journal, 05/07/1999, Vol.18 Issue 1, p31.
- Dawson et al., "2 search sites narrow their parameters", from Adweek-Western Edition, 10/19/1998, Vol.48 Issue 42, p5.
- Database of Corporate ResourceNet, "Bits", from Adweek-Eastern Edition, 04/05/1999, Vol.40 Issue 14, p46.
- Kim Komando, "Searching for search engines-from Dogpile to Deja News", Business First-Columbus, 06/19/1998, Vol.14 Issue 43, p46.
- Database of Corporate ResourceNet, "New services aim to boost efficiency of search engines", from Electronic

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Advertising & Marketplace Report, 07/14/1998, Vol.12 Issue 13, p6.

- Database of Corporate ResourceNet, "GoTo.com chooses Quest's SharePlex(R) for Oracle software to ensure uptime for business-critical Web site, from PR Newswire, 06/15/2000.
- Database of Corporate ResourceNet, "Capitalist tool", Time Canada, 03/02/1998, vol.151 Issue 8, p41.
- Database of DialogClassic(tm), "Homestead Technologies' Continued Success Draws \$17.5 Million In Second Round of Venture Funding", PR Newswire, April 13, 1999.
- US Pat.6,029,195 for a system for customized electronic identification of desireable objects.
- US Pat.5,835,087 for a system for generation of object profiles for a system for customized electronic identification of desirable objects.
- US Pat.5,754,939 for a system for generation of user profiles for a system for customized electronic identification of desirable objects.
- US Pat. 5,864,846 (Voorhees, et al.) filing date 6/26/1996 for "Method for facilitating world-wide-web searches utilizing a document distribution fusion strategy".

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- US Pat. 5,918,014 (Robinson) filing date 12/26/1996 for "Automated collaborative filtering in world-wide-web advertising".
- US Pat. 5,920,854 (Kirsch, et al.) filing date 8/14/1996 for "Real-time document collection search engine with phrase indexing".
- US Pat. 5,920,859 (Li) filing date 2/02/1997 for "Hypertext document retrieval system and method".
- APS Search Tools - Patent Search Client Strategy publishing date 9/17/1997 by US Patent & Trademark Office.
- Frequently Asked Questions NT Image Search & Retrieval (IS&R) modified 12/04/1997 by US Patent & Trademark Office.
- Chapter 1 - Introduction to Dialog, pp.1-1 to 1-14 by Dialog Information Service, Inc.
- "Automated Patent System (APS) Workstation Reference Manual published on 7/01/1996 by US Patent and Trademark Office.
- Frentzen, "Help for getting the word out about Web sites. (Site promotion tools)", PC Week, v14, n46, p27(1), published on 11/03/1997.
- Miller, "Improve your ranking (building Web sites to attract Web searches)", Home Office Computing, v16, n1, p51(2), published on Jan. 1998.

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- Aguillar, "New ad model charges by the click",
<http://www.news.com/News/Item/0,4,1199,00.html> published on
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- Wingfield, Engine sells results, draws fire, from CNET
News.com, printed on 6/21/1996.
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- Peline, "New search engine goes commercial", by CNET
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- Wang "Engines Battle Irrelevance of Results - New search
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- Vonder Haar, "Searching for the highest bidder" from
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- Rich, "New search engine allows sites to pay this way to top" from <http://www.adweek.com/iq/iqnews02.asp>, published on 2/23/1998.
- Mardesich, "Web site operators pay for top billing - Search engine allows site sponsors to buy place on special list", from Knight Ridder Newspapers or Alexander Communications, published on 3/02/1998.
- Hilty, "GoTo.Hell - What happens when an online search engine accepts cash from Web sites?", <http://www.ocweekly.com/ink/archives/97/27byte-3.11.98-1.html>, published on 3/11/1998.
- Flynn, "With Goto.com's Search Engine, the Highest Bidder Shall Be Ranked First", by the New York Times, published on 3/16/1998.
- Clark, "Start-up plans Internet search service tying results to advertising spending" from The Wall Street Journal, published on 2/20/1998.
- "Going, Going ..." from A closer look of The Wall Street Journal - Marketplace, published on 4/02/1998.
- "coursey.com" David Coursey's insider report on Personal Computing, the Internet, and Communications, published on 3/18/1998.

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- Mardesich, "Search engine charges hit sites",
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- "Search engine startup to auction listings", from
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- Peline, "Pay-for-placement gets another shot",

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on 2/19/1998.

9. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to CUONG
H. NGUYEN whose telephone number is 703-305-4553. The
examiner can normally be reached on 7:15am - 3:30pm.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, THOMAS G. BLACK can
be reached on 703-305-8233. The fax phone number where this
application is assigned is 703-305-7687.

Information regarding the status of an application may
be obtained from the Patent Application Information
Retrieval (PAIR) system. Status information for published
applications may be obtained from either Private PAIR or
Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For
more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the
Private PAIR system, contact the Electronic Business Center
(EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen

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CUONG H. NGUYEN
Primary Examiner
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